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09/398,182

09/17/1999

ALAN J ROZLOSNIK

D-1118R2

9748

28995

7590

06/03/2002

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EXAMINER

NOWLIN, APRIL A

ART UNIT

PAPER NUMBER

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Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Paper No. 10

Application Number: 09/398,182

Filing Date: September 17, 1999

Appellant(s): ROZLOSNIK ET AL.

**MAILED**  
JUN 03 2002  
**GROUP 2800**

\_\_\_\_\_  
Ralph E. Jocke  
For Appellant

### **EXAMINER'S ANSWER**

This is in response to the appeal brief filed 08 April 2002.

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

No amendment after final has been filed.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

**(7) *Grouping of Claims***

Appellant's brief includes a statement that all claims stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

**(8) Claims Appealed**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) Prior Art of Record**

4,754,126	Caldwell	6-1988
5,898,155	Imai et al	4-1999
6,112,981	McCall	9-2000

**(10) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-18 are rejected under 35 U.S.C. 103(a), as stated below. This rejection is set forth in prior Office Action, Paper No. 5.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-8, and 10-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Caldwell (US 4,754,126) in view of McCall (US 6,112,981).

Caldwell discloses a night depository method and apparatus including the steps of conducting at least one transaction, fitting a panel (52) on an exterior surface of a deposit accepting machine, wherein a printer is housed in the panel (52) and issues a

receipt including a record of the transaction. Conducting a transaction includes access to the depository (14) by inserting a card to a card reader and entering a personal identification number in the keyboard (36) which serves as an input device as recited in claims 10, 11, and 15 and by a conventional key lock (56). (See column 3, lines 59-64 and column 5, lines 46-51) A method further including the steps of inputting at least one amount on the keyboard (36) associated with the deposit, opening a depository door (22) and inserting the deposit into the machine. A receipt is delivered from a dispensing slot (40) wherein the receipt includes the amount of the deposit and other data related to the transaction.

Caldwell fails to specifically teach or fairly suggest the use of a cover extending from a receipt-dispensing slot, wherein the cover includes an aperture.

McCall shows a method including the steps of extending a receipt intermediate of an exterior wall of the machine and a cover, which serves as an overlying member as recited in claims 1-18, wherein the cover includes an aperture therein sized for accepting a finger of a user. (See figure 1) The cover is facing downward wherein a receipt is moved downward in a sandwiched relation between a finger extended in the aperture.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ a well known night depository machine with a receipt delivery system with an aperture cover as taught by McCall to the teachings of Caldwell, due to the fact that one would be motivated to add a cover with an aperture to protect a receipt delivery system (i.e., to prevent the receipt from being damaged from outside

environment, such as moisture; to minimize the infiltration of contaminants into the interior of the panel, such as dust/debris; to prevent pulling out excessive paper, etc.).

3. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Caldwell as modified by McCall as applied to claim 1 above, and further in view of Imai et al. (US 5,898,155).

Caldwell as modified by McCall in paragraph 2 above fails to teach a receipt printed on paper supplied from a roll, wherein the paper is cut with a cutter to separate the receipt from the roll.

Imai et al. teaches an automated teller machine including a receipt printed on paper supplied from a paper roll (41A) and a cutter (52) for separating a receipt from the paper roll (41A) (see fig. 4 and col. 10, lines 7-10). Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ a night depository machine with a receipt delivery system including a paper roll and cutter. One would be motivated to incorporate a paper roll for space saving and a cutter to prevent a user from manually separating the receipt from the roll and jamming the paper pathway. Therefore, such modification would have been an obvious extension as taught by Caldwell/McCall for providing a compact system rather than having stacks of medium within the dispensing system, and therefore an obvious expedient.

**(11) Response to Argument**

The examiner respectfully disagrees with appellant's comments and arguments as stated in the "ARGUMENT" section of the Appeal Brief, for the following reasons:

With respect to appellant's piecemeal analysis of the references, that is Caldwell, McCall, and Imai et al (see pg. 8 through pg. 10), the examiner believes that one cannot show non-obviousness by attacking references individually where, as here, the above rejections are based on combinations of references. Further, the examiner respectfully submits to the appellant that, "It is not necessary that the references actually suggest, expressly or in so many words, changes or possible improvements. All that is required is that the invention was made by applying knowledge clearly present in the prior art." *In re Scheckler*, 58 CCPA 936, 438 F. 2d 999, 168 USPQ 716 (1971). In this case, Caldwell, McCall, and Imai et al discloses transaction devices that come from the same art area of the claimed invention. For example, these references relates to transaction devices that are capable of accepting and/or dispensing medium for conducting a transaction wherein the devices are known to allow a customer to complete a transaction and to obtain a record of his/her completed transaction. Furthermore, the examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. *In re Nomiya*, 184 USPQ 607 (CCPA 1975). (see pg. 11 through to pg. 13) However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. *In re McLaughlin*, 170 USPQ 209 (CCPA 1971). The Caldwell reference discloses a deposit accepting machine having a receipt dispenser. The art of McCall shows a receipt dispenser with a cover. The Imai et al reference

discloses an ATM having a receipt printed on paper supplied from a paper roll and a cutter for separating a receipt from the paper roll. The combination of these references meets the limitations set forth in the claims. For example, it is well known to provide a customer with a receipt after conducting a transaction at a transaction device such as an ATM, a fuel dispenser, and a self-service terminal. These devices are known to have a printer for printing a receipt and a receipt dispenser for presenting a receipt to a customer whereas a customer could obtain a receipt from grasping the receipt between the fingers and pulling the receipt in a direction away from the receipt dispenser. Furthermore, receipt dispensers of these devices are known to have a cover for protecting the receipt from outside environment such as moisture. References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. *In re Bozek*, 163 USPQ 545 (CCPA) 1969.

In response to appellant's argument that "Any receipt printer in Caldwell would be affiliated with the ATM (12) not the depository (14). It follows that Caldwell does not have a receipt printer in the interior of the depository (14)", the prior art to Caldwell discloses a deposit accepting machine (10) comprising a combination of an ATM (12) and a depository (14), wherein the deposit accepting machine (10) have a receipt printer and dispenser. Therefore, the examiner believes that Caldwell's deposit accepting machine meets the claimed invention, especially since they both come from the same art area.

In response to appellant's argument that McCall is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if



not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, McCall fails to disclose a deposit accepting machine, however McCall shows a fuel dispenser for conducting a transaction and having a receipt dispenser arrangement similar to the claimed invention (see circled member in figure 5 below). The examiner believes that McCall's fuel dispenser is similar to the deposit-accepting machine of the claimed invention because they both are transaction devices. Furthermore, fuel dispensers, automated teller/banking machines, and self-service terminals are well known in the art as transaction devices having a user interface for conducting a transaction, a receipt printer and receipt dispenser for providing a user with a record of their transaction. Furthermore, the examiner believes that one of ordinary skill in the art would recognize the circled member in figure 5 of the McCall reference (see below) as a receipt dispenser having a cover with an aperture. It is well known that this type of receipt dispenser exists on fuel dispensers at gas station, automated teller/banking machines, and self-service terminals.

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6,112,981

Fig. 5

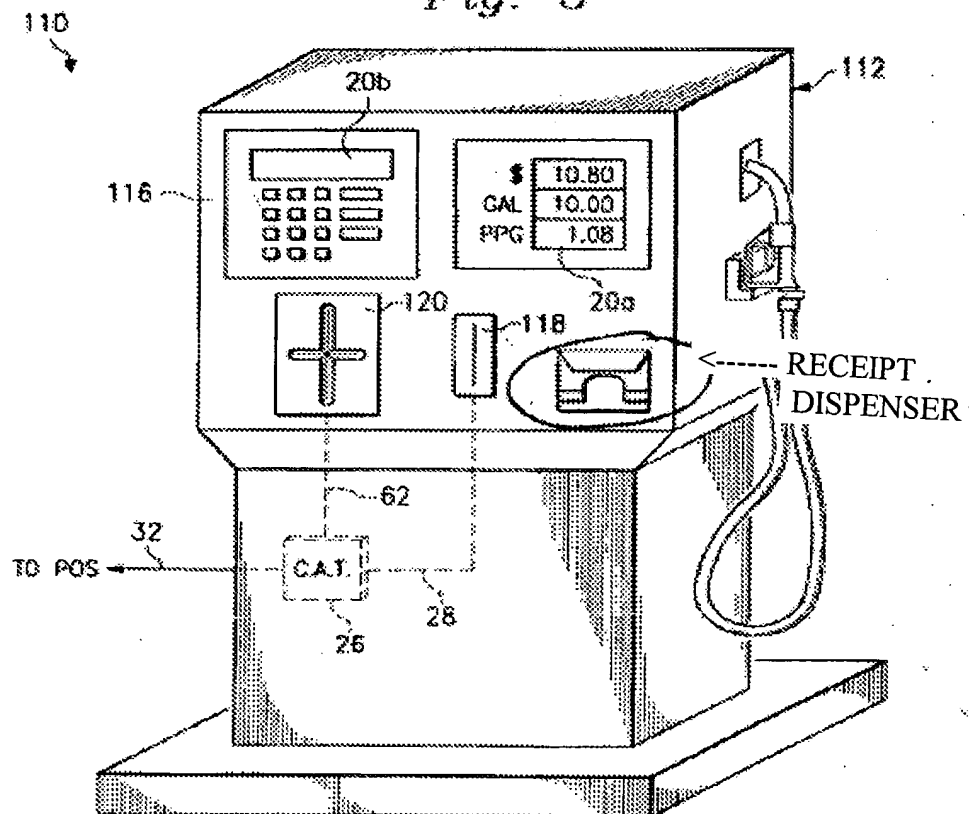
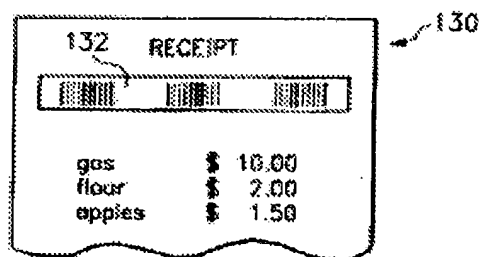


Fig. 6



In response to appellant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to appellant's argument that "Caldwell has no need for a cover", the examiner believes that modifying Caldwell's deposit accepting machine to include the receipt dispenser as shown in the McCall reference would protect the receipt and the interior of the panel from being damaged as discussed above (i.e., paragraph 2 of the rejection).

In response to appellant's argument that the receipt in McCall would not be presented in the same direction as Caldwell's receipt, the examiner believes that Caldwell's receipt would be printed in such a manner that would result in moving the receipt in a downward direction by grasping the receipt between the fingers.

In response to appellant's argument that "the cover of McCall is not capable of fitting into the structure of Caldwell", the examiner believes that the cover of McCall does not require a large amount of space and that Caldwell's receipt dispenser is positioned in such a way that there is enough blank space surrounding it to fit the cover into the structure of Caldwell.

In response to appellant's argument that Caldwell does not indicate that indicia printed on the receipt includes an article identifying number and an inputted amount, Caldwell discloses printing a record of the transaction on a receipt (see paragraph 2 of the rejection). It is well known in the art to print a record of a transaction including an article identifying number and an amount of the transaction.

In response to appellant's argument that Caldwell doesn't disclose unlocking a depository door responsive to both the input of a card and a key, the examiner believes that it would have been obvious to control the depository door by input of a card and a key to provide a more secured depository.

In response to appellant's argument that "Imai does not disclose or suggest that movement of a receipt in sandwiched relation is operative to cut the receipt in the manner recited", it is well known in the art to remove a receipt by grasping the receipt between the fingers and pulling the receipt in a direction away from the receipt dispenser thus causing the receipt to be cut.

For the above reasons, it is believed that the rejections should be sustained.

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Art Unit: 2876

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Respectfully submitted,

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May 20, 2002


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